

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CAP 111 ENTERPRISES LLC, 251 E.  
MAIN ST., LLC, 67 PURCHASE ST LLC,  
PUB STREET PLEASANTVILLE LLC,  
AND LOCALI KITCHEN & BAR LLC,

on behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

MANHATTAN BEER DISTRIBUTORS,  
LLC, SIMON BERGSON, AND MICHAEL  
MCCARTHY,

Defendants.

Case No.: 22-CV-1408 (CS) (AEK)

**PLAINTIFFS' NOTICE OF UNOPPOSED MOTION FOR  
FINAL APPROVAL OF THE CLASS ACTION  
SETTLEMENT AND RELATED RELIEF**

**PLEASE TAKE NOTICE THAT** upon the parties' Class Action Settlement Agreement (the "Settlement Agreement," (ECF No. 192-1)); the Declaration of J. Burkett McInturff in Support of Plaintiffs' Unopposed Motion for Final Approval of the Class Action Settlement and Related Relief (the "McInturff Declaration"); the accompanying Memorandum of Law dated March 21, 2025; and all other papers and proceedings herein, Plaintiffs Cap 111 Enterprises LLC, 251 E. Main St., LLC, 67 Purchase St LLC, Pub Street Pleasantville LLC, and Locali Kitchen & Bar LLC ("Plaintiffs") hereby move this Court under Federal Rule of Civil Procedure 23 and Rule 7.1 of the Local Civil Rules for the United States District Courts for the Southern and Eastern

Districts of New York for an Order:

- (1) granting final certification of the Class under Rule 23 for Settlement purposes;
- (2) granting final approval of all terms applicable to the Class set forth in the Settlement Agreement;
- (3) finding that the notice issued to the Class was the best notice practicable under the circumstances;
- (4) approving the service awards to the Class Representatives;
- (5) awarding Class Counsel reimbursement of litigation expenses and attorneys' fees;
- (6) approving the parties' proposed final Settlement procedure;
- (7) incorporating all terms of the Settlement Agreement, including the release;
- (8) dismissing this action with prejudice and entering final judgment.

In support of their Motion, Plaintiffs rely on the accompanying Memorandum of Law and the McInturff Declaration, both dated March 21, 2025, and all exhibits annexed thereto.

Dated: March 21, 2025  
New York, New York

Respectfully submitted,

By: /s/ J. Burkett McInturff  
J. Burkett McInturff  
Steven L. Wittels  
Tiasha Palikovic  
Ethan D. Roman

**WITTELS MCINTURFF PALIKOVIC**  
305 BROADWAY, 7<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10007  
Telephone: (914) 775-8862  
Facsimile: (914) 775-8862  
jbm@wittelslaw.com  
slw@wittelslaw.com  
tpalikovic@wittelslaw.com  
edr@wittelslaw.com

*Class Counsel for Plaintiffs and the Class*